

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 119
Title 14, California Code of Regulations
Re: Trawl Nets Inside the Golden Gate Bridge

- I. Date of Initial Statement of Reasons: August 23, 2005
- II. Date of Pre-adoption Statement of Reasons: November 4, 2005
- III. Date of Final Statement of Reasons: December 21, 2005
- IV. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: September 30, 2005
Location: Susanville, CA
- (b) Discussion/Adoption Hearing: Date: December 9, 2005
Location: Concord, CA
- V. Update:
- No changes have been made to the regulatory language proposed in the November 18, 2005 Notice.
- The proposed changes were adopted by the Commission on December 9, 2005.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:
- No oral or written comments were received from the public either in opposition to or in support of the proposed action.
- VII. Location and Index of Rulemaking File:
- A rulemaking file with attached file index is maintained at:
- California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814
- VIII. Location of Department files:
- Department of Fish and Game

1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

Trawl nets would not be allowed in District 3 upstream of the Carquinez Bridge, resulting in the exclusion of a small area of fishable waters.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations provide additional commercial fishing areas and opportunity without increasing compliance costs, and thus may increase earnings potential for commercial trawlers and other fishing-related businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with

the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Updated Informative Digest/Policy Statement Overview

Existing regulations establish the areas, season, and other aspects for commercial trawl nets used inside the Golden Gate Bridge. This fishery targets Bay shrimp (*Crangon* spp.) and several species of bait fish, including yellowfin goby, staghorn sculpin, and plainfin midshipman.

Section 119 was added to Title 14, California Code of Regulations (CCR), in 1979 and limited trawl nets to Districts 2, 12, and 13, as did the Fish and Game Code prior to 1979. In 1985, subsection 119(e), Title 14, CCR, was amended to limit trawls to the portions of these districts lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy “6” to the shoreline on the north. However, there is a small portion of District 3 from the Carquinez Bridge to the Point Edith-Buoy 6 boundary line that is currently not open to commercial trawl nets.

The proposed regulation change would add District 3 from upstream of the Carquinez Bridge to the current Point Edith-Buoy 6 boundary line to the trawl permit areas, as requested by commercial Bay shrimp trawlers.

This proposed regulation change would permit trawling along the southern shoreline of Carquinez Strait (Contra Costa County), potentially increasing bay shrimp landings some seasons and years.

Plainfin midshipman is proposed to be included in the list of allowable species for this permit, pursuant to Section 8832, Fish and Game Code.

The reference to the Menlo Park office is proposed to be removed, as the office is now closed and this permit is available at all Department offices that issue commercial permits. Other minor changes are also proposed for regulation clarity.

Subsection 119(c), Title 14, CCR, is proposed to be removed and the following subsections renumbered. This subsection restates Fish and Game Code subsection 7857(k) requirements and is proposed to be removed to reduce unnecessary regulation duplication.

Change the form used to collect data on this fishery from DFG 176 (10/89), to FG 2025 (new 11/2005).

Form DFG (10/89) was designed to capture data for the deep water trawl fisheries and does not provide for the species typically taken in the bay trawl fishery. Form FG 2025 (new 11/2005), Bay Shrimp Log will better capture the data needed by the Department to monitor the bay trawl fishery.

The proposed changes were adopted by the Commission on December 9, 2005.

ADDENDUM TO FINAL STATEMENT OF REASONS

Amend Section 119, Title 14, CCR, Re: Trawl Nets

At the May 5, 2005 Commission meeting, a commercial bay shrimp trawler requested that the open area for shrimp trawling be expanded. The Commission directed the Department to review the historic and existing regulations and statutes, as well as possible water flow and salinity changes in the areas of San Francisco Bay mentioned by the trawler. After its review of the relevant information, the Department presented its proposal to the Commission to add that portion of District 3 upstream of the Carquinez Bridge and lying westerly of the Point Edith-Buoy 6 boundary line to the area open to trawling, but did not support the trawler's proposal to open Grizzly and Honker bays because of concerns for listed and sensitive species.

Section 119 was added to Title 14, California Code of Regulations (CCR), in 1979 and limited trawl nets to Districts 2, 12, and 13, as did the Fish and Game Code prior to 1979. In 1985, subsection 119(e), Title 14, CCR, was amended to limit trawls to the portions of these districts lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy "6" to the shoreline on the north. There is a small portion of District 3 upstream from the Carquinez Bridge and lying westerly of the Point Edith-Buoy 6 boundary line that was inadvertently omitted from the area open to commercial trawl nets.

The proposed regulation change would add District 3 from upstream of the Carquinez Bridge to the current Point Edith-Buoy 6 boundary line to the trawl permit areas.

Regulatory Language

Section 119, Title 14, CCR is amended to read:

§119. Trawl Nets Inside of the Golden Gate Bridge.

Bay shrimp, Oriental gobies, longjaw mudsuckers, ~~and~~ staghorn sculpin, and plainfin midshipman inside of the Golden Gate Bridge may be taken for commercial purposes by the use of trawl nets only under a revocable, nontransferable permit issued by the department. All other species taken shall be immediately returned to the water.

(a) Qualifications of Permits. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.

(b) Limitation of Permit. A permit shall be issued to an individual owning or operating a vessel engaged in the fishery. Permits shall not be assigned or transferred from person to person. ~~Permits will only be issued at the department's Menlo Park office located at 411 Burgess Drive, Menlo Park, California 94025.~~ See subsection 699(b) of these regulations for the fee for this permit.

~~(c) Duration of Permit. Except as otherwise provided, any permit issued pursuant to these regulations shall be in force from April 1 to March 31, or, if issued after the beginning of such term, for the remainder thereof.~~

~~(d)~~(c) Permit Areas.

(1) Trawl nets may be used in Districts 2, 12, ~~and 13,~~ and that portion of District 3 upstream of the Carquinez Bridge, except as noted in subsections (c)(2) and (c)(3). ~~For the purposes of subsections (a) and (b), the~~

(2) The southern boundary of Fish and Game District 13 is the Southern Pacific Railroad crossing at Coyote Creek.

(3) Trawl nets may be used only in the portions of Districts 2 and 3 lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy "6" to the shoreline on the north.

~~(e)~~(d) Season. ~~All year in Districts 12, 13 and that portion of District 2 lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy "6" to the shoreline on the north.~~

~~(f)~~(e) Limitation of Gear.

(1) When any nets possessed under the terms of these regulations are in possession on any permittee's vessel, no other fishing nets may be possessed on that vessel.

(2) All fishing gear used under the provisions of this permit is subject to inspection and approval by the department.

(3) On request, any authorized representative of the department shall be permitted to travel on the permittee's boat to observe fishing operations.

~~(g)~~(f) Identification of Vessel. Each vessel operating under the provisions of these regulations shall display on both sides of the vessel the number of the owner's permit in 14 inch black numbers on a white background.

~~(h)~~(g) Records. Pursuant to section 190, of these regulations, each permittee shall complete and submit an accurate record of his fishing activities on a ~~form~~ (Trawl Trip

~~Log, DFG 176 (10/89), see Appendix A) provided by the department~~Bay Shrimp Log form, (FG 2025 (new 11/2005), see Appendix A.

~~(i)-(h)~~ Conditions of Permit. The provisions of the Fish and Game Code relating to commercial fishing except as modified by the provisions of this permit shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction and control.

~~(j)-(i)~~ A permittee prohibited from obtaining a permit may request a hearing before the commission to show cause why his ~~shrimptrawl~~ fishing privileges should be restored.

~~(k)-(j)~~ Revocation of Permits. Permits may be revoked and cancelled by the commission without notice, upon the breach or violation of any fish and game law or regulation or any violation of the terms or conditions of this permit by the holders thereof, their agents, servants, employees or those acting under their direction and control. Permits so revoked and cancelled may not be renewed for a period of one year from the date of revocation.

NOTE: Authority cited: Section 8832, Fish and Game Code. Reference: ~~Section~~ Sections 7857 and 8832, Fish and Game Code.

BAY SHRIMP LOG

Name of Vessel _____ F. & G. Boat No. _____ Fishing Date _____

Locality Fished _____ Port of Landing _____

Miles off what point or shore

Type of Net _____ Buyer _____

Type of net

Drag No.	F. & G. Block No.	Time Net Set	Time Net Lifted	Depth Fathoms	Pounds Caught	Fishing Notes
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
Pounds of Shrimp Caught						

[Signed] _____
Captain or Fishing Boss